

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:90-00041

YUL CARTER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 13, 2014, the United States of America appeared by Jennifer L. Rada, Assistant United States Attorney, and the defendant, Yul Carter, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Steven M. Phillips. The defendant commenced a fifty-seven month term of supervised release in this action on January 17, 2014, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on December 3, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state offense of armed robbery on June 9, 2014, by entering a Foodland gas station, pointing a starter pistol at the clerk and demanding cash, the defendant having admitted on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence, the defendant having further conceded that the weapon displayed was a fake pistol, but resembled a gun; and (2) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered Dismas Charities on January 17, 2014, and on April 14, 2014, failed to return to the facility after completing a shift at his place of employment resulting in Dismas having considered him to have absconded the facility for which he was terminated from the program; all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of

supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FORTY-EIGHT (48) MONTHS, to be followed by a term of nine (9) months of supervised release¹ upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

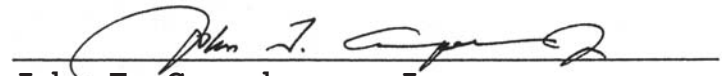
The defendant was remanded to the custody of the United States Marshal.

¹The nine (9) month term of supervised release is imposed as to each of Counts 2, 4 and 6, to run concurrently.

Recommendation: The court recommends that the defendant be afforded the benefit of a medical evaluation for Hepatitis and a psychological evaluation.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 25, 2014


John T. Copenhaver, Jr.
United States District Judge